GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

STARRED QUESTION NO:75
ANSWERED ON:26.07.2001
FREE LEGAL AID TO POORS
PRABHAT KUMAR SAMANTARAY

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether free legal aid is being given to the poor and weaker section of the society in the country;

(b) if so, the number of persons who were provided free legal aid during the last three years State-wise;

(c) the criteria fixed therefor;

(d) whether the Government have a proposal to raise the present ceiling limit for the provision of free legal aid;

(e) if so, the steps taken in this regard; and

(f) the details of target fixed for providing legal aid through court-oriented legal aid programme during 2001-2002 ?

Answer

MINISTER OF LAW, JUSTICE & COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a) Yes, Sir.

(b) A Statement showing number of people provided free legal aid during the last three years viz. 1998, 1999 and 2000, State -wise, is annexed;

(c) Section 12 of the Legal Services Authorities Act,1987 prescribes the criteria for giving legal services.Following persons are entitled to legal aid/legal services:-

(a) a member of a Scheduled Caste or Scheduled Tribe;

(b) a victim of trafficking in human being or beggar as referred to in Article 23 of the Constitution;

(c) a women or a child;

(d) a mentally ill or otherwise disabled person;

(e) a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity; flood, drought, earthquake or industrial disaster; or

(f) an industrial workman; or

(g) in custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956, or in a juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act,1986 in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987; or

(h) in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.

(d)&(e)In the first Annual Meet of the State Authorities established under the Act, itwas resolved to raise the income ceiling from Rs.9,000/- per annum as originally provided under the Act, to Rs.25,000/- per annum by State Government(s) and Rs.50,000/- if the case is before the Supreme Court. The Central Government has enhanced the ceiling limit to Rs.50,000/- per annum.

(f) No target as yet has been fixed.